

Suffolk Superior Civil # 04-1748BLS ✓
UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

PURPLE TUNNEL ENTERPRISES, INC.,
LOUIS G. SILVA, JR., and
ANTHONY D. FONTES, III,
Plaintiffs

v.

BEACON HALL, LLC, ERIK HALL MOSHER,
JAMES M.F. GILMORE, DOUGLAS MASTER,
and ANDREW P. PALMER,
Defendants

C.A. No.:

04-10874 EFH

7. MAY 11 A 9:44
MICHAEL JOSEPH DONOVAN
CLERK OF COURT
SUFFOLK SUPERIOR COURT
CIVIL ACTION NO. 04-1748BLS

DEFENDANTS', BEACON HALL, LLC, JAMES M.F. GILMORE, DOUGLAS MASTER
AND ANDREW P. PALMER, NOTICE OF REMOVAL TO FEDERAL COURT PURSUANT
TO 28 U.S.C. § 1446 AND LOCAL RULE 81.1

Please take notice that, pursuant to 28 U.S.C. § 1446 and Local Rule 81.1, Defendants, Beacon Hall, LLC, James M.F. Gilmore, Douglas Master and Andrew P. Palmer, hereby remove to the Federal Court for the District of Massachusetts the matter filed by Purple Tunnel Enterprises, Inc., et al at the Suffolk County Superior Court under Civil Action No. 04-1748 BLS. As grounds thereof, Defendants state that this matter is subject to Federal jurisdiction as the Complaint and the Civil Action Cover Sheet allege "[t]his is an action to enforce a franchise agreement against a former franchisee and its guarantors".

Plaintiffs are alleging violations of the Franchise Agreement, which falls under the Federal Trade Commissions' Rule on Franchising, 16 C.F.R. § 436. Count III of the Complaint alleges violation of the Federal Lanham Trademark Act, 15 U.S.C.A. §§ 1114 and 1125. Other allegations under the Complaint fall under 37 C.F.R. §§ 1-199 (pertaining to trademarks) and §§ 200-299 (pertaining to copyrights). The amount sought under the Complaint is alleged to be \$75,000.00. Defendants' counterclaim will seek an amount greater than \$75,000.00, exclusive of fees and costs.

This Notice of Removal is signed pursuant to Rule 11 of the Federal Rules of Civil Procedure.

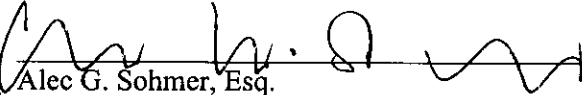
HEREBY ATTEST AND CERTIFY ON
MAY 7, 2004 THAT THE
FOREGOING DOCUMENT IS A FULL,
TRUE AND CORRECT COPY OF THE
ORIGINAL ON FILE IN MY OFFICE,
AND IN MY LEGAL CUSTODY.

MICHAEL JOSEPH DONOVAN
CLERK / MAGISTRATE
SUFFOLK SUPERIOR CIVIL COURT
DEPARTMENT OF THE TRIAL COURT

BY 

ASSISTANT CLERK.

BEACON HALL, LLC, JAMES M.F. GILMORE,
DOUGLAS MASTER and ANDREW P. PALMER
by their attorney,


Alec G. Sohmer, Esq.

71 Legion Parkway, Suite 23
Brockton, MA 02301

Tel. No.: (508) 583-6510

Fax No.: (508) 583-1263

BBO No.: 559204

Date: Monday, May 03, 2004

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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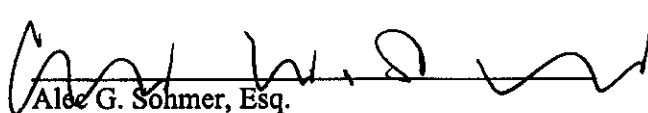
CERTIFICATE OF SERVICE

I, Alec G. Sohmer, attorney for Defendants, Beacon Hall, LLC, James M.F. Gilmore, Douglas Master and Andrew P. Palmer, hereby certify that on Monday, May 03, 2004, I served the above Notice of Removal to the following by mailing a copy of same, postage pre-paid:

Suffolk County Superior Court
U.S. Post Office and Courthouse
90 Devonshire Street, 8th Floor
Boston, MA 02109

Attorney Andrew C. Oatway
Morisi & Oatway, PC
1400 Hancock Street, 3rd Floor
Quincy, MA 02169-5293

Signed this 3rd day of May, 2004 under the pains and penalties of perjury.



Alec G. Sohmer, Esq.
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Brockton, MA 02301
Tel. No.: (508) 583-6510
Fax No.: (508) 583-1263
BBO No.: 559204